

REMARKS

With respect to the Office Action at page 2, paragraph 2, Applicant respectfully requests the Examiner to reconsider and withdraw the objection to claim 1, in view of the above corrective amendment wherein the "such as..." phrase has been replaced by a Markush group.

Examiner Mattis now issues the following four **new** prior art rejections under 35 U.S.C. §103 which rely on a basic combination of Gudat '609/Yuan '893 and Dillon '795 (**newly cited**), and also Cable '895 (for claims 18, 26, 29 and 30) and Mai '310 (**newly cited**) for claim 25, and Hakulinen (WO '413) for claims 27 and 28:

1. Claims 1-3, 8, and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudat et al. (U.S. Pat. **6,771,609**) in view of Yuan et al. (U.S. Pat. **6,310,893**) and Dillon et al (U.S. Pat. 5,652,795);

2. Claims 18, 26, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudat et al. in view of Yuan et al. and Dillon et al. as applied to claims 1-3, 8 and 20-24 above, and further in view of Cable et al. (U.S. Pat. 6,570,895);

3. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gudat et al. in view of Yuan et al. and Dillon et al. as applied to claims 1-3, 8, and 20-24 above, and in further view of Mai et al. (U.S. Publication US 2002/0001310 A1); and

4. Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudat et al. in view of Yuan et al. Dillon et al. and Cable et al. as applied to claims 18, 26, and 29-30 above, and in further view of Hakulinen (WO 97/20413 as cited in the Applicant's IDS).

Applicant respectfully **traverses** these rejections. (It is proposed to amend the language of claims 1, 18, 29 and 30 to change "identifier/identifiers" to "label/labels" to maintain consistency of language with respect to the previously recited "label field". These amendments do not change the scope of the respective claims, and do not raise any new issue which would require further consideration and/or search.)

Even though these four new rejections under 35 U.S.C. § 103(a) all rely on the **newly cited** Dillon '795, the Examiner's characterizations of the previously cited references (Gudat, Yuan, Cable and Hakulinen) appear to be substantially the same as in the previous Office Action; therefore, Applicant expressly incorporates herein by reference Applicant's previous "Remarks" and analyses regarding these previously cited references.

In addition, Applicant respectfully requests Examiner Mattis to consider the following further rebuttal arguments which address the four rejections under 35 U.S.C. § 103(a) relying on the **newly cited** Dillon '795.

In accordance with independent parent claim 1, a "label" located in a "label" field of the addressing header of a data packet has the following features:

- a) is characteristic of one sub-network selected in the group consisting of IP logical sub-networks, private networks and multi-recipient groups, and to which a target terminal station to which the packet is addressed belongs,
- b) is characteristic of at least one spot associated with the label and including the spot in which the satellite terminal or ground station associated with the target terminal station is located, and
- c) serves to determine whether the data packet shall be processed or not by the satellite terminal or ground station, which has a list of such labels used as a reception filter.

US **6,771,609** to Gudat relates to an apparatus for dynamically updating representations of a work site and for dynamically updating a propagation model of communications signals. In this field, Gudat discloses making use of Mobile IP for routing an IP packet to a mobile node M.

With respect to claim 1, the Examiner asserts that the "care-of address" of Gudat's mobile node M is an identifier having feature a) above. However, this "care-of address" of mobile node M is an IP address on the foreign network to which the home agent of mobile node M forwards packets. The "care-of address" is located in the destination address field of an encapsulated IP

packet (column 5 lines 9-17 and column 6 lines 36-41). The "care-of address" of mobile node M is allocated by the home agent (column 5 lines 59-65).

US **6,310,893** to Yuan relates to a cell relay satellite communication network. In this field, Yuan teaches a cell for use in the cell relay satellite network. A cell header includes a downlink beam locator 340 which identifies both a cell relay satellite and a particular downlink beam in this satellite (column 5, lines 19-26).

The Examiner asserts that Yuan's downlink beam locator field is an identifier having the above features a) and b). However, the downlink beam locator does not identify a sub-network selected in the group consisting of IP logical sub-networks, private networks and multi-recipient groups. Further, the downlink beam locator is located in the cell header of a fixed-length cell. The downlink beam locator is generated by an IP Protocol Module of the source node 100a, which initiates the transmission of the cell in the satellite network (column 6, lines 1-7). Besides, a cell 300 (fig. 3) is not an IP packet (Fig. 4). A cell corresponds only to a segment of an IP packet (column 6 lines 8-49).

US 5,652,795 - Dillon (**newly cited**) relates to commercial data broadcasts where conditional access technology, enabling only authorized users to access the broadcast data, is essential to ensure payment for the data (column 1 lines 38-40). In this field, Dillon discloses a data stream transmitted via satellite in the form of one or more frames. Each frame includes an address identifying the data stream. The subscriber to the data service obtains an adapter card 40 from the provider of the data service (column 5, lines 33-35). The adapter card 40 stores an Access Table with entries corresponding to data streams that the subscriber is authorized to

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receive. Each entry has a field for an address of the data stream that the subscriber is authorized to access (column 6, lines 22-27).

With respect to claim 1, the Examiner asserts that the address of the data stream is an identifier disclosing feature c) above. However, the address of the data stream is located in an address header of an encrypted frame (column 3, lines 8-15). Further, the address of the data stream is not a destination address, neither at layer 2, nor at layer 3. Indeed, there is no such thing as a destination header in the frame of Dillon's satellite broadcast system. Broadcasting means that the signals will reach any subscriber anywhere within the coverage of the satellite network (column 5 lines 21-30). No switching operation is made on a frame-by-frame basis, i.e., all frames are distributed to the full network. Dillon differentiates frames that must or must not reach a subscriber only at the level of decryption in each adapter card, whereas no routing or switching process is involved.

Furthermore, since a particular data stream should be decrypted by all the subscribers to the commercial data service, the address of that data stream must be stored in the adapter card of all subscribers to the service, independently of their respective locations. Therefore, the address of the data stream cannot identify a specific spot or set of spots of the satellite network.

Applicant respectfully submits that the Examiner is reconstructing claim 1 by selectively picking and choosing features from the Gudat, Yuan and Dillon references, and impermissibly making use of hindsight gained from Applicant's **own disclosure** to find obviousness in the claimed subject matter. (Even though Applicant recognizes that the Examiner is not limited to the number of references used in the rejections under 35 U.S.C. § 103(a), Applicant respectfully

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submits that the more references (three to five references used in the final Office Action), the more difficult it becomes to find *prima facie* obviousness in the claimed subject matter, and the more difficult it becomes to find the proper motivation to combine the teachings of the references to find obviousness (without using hindsight reconstruction based on Applicant's own disclosure).

More specifically, the Examiner extracts the above features a), b) and c) from three different types of data items, i.e. an IP packet of a Mobile IP network, a layer 2 cell of a cell relay satellite network, and a frame of a satellite broadcast network, which are disclosed in three unrelated references. The person ordinarily skilled in the art would not find in the three references a proper motivation for isolating those features from their respective contexts. Moreover, the person skilled in the art, having identified those features, would not find a proper motivation for merging those features into a "label" in view of the differences between (1) the "care-of address" of an IP packet disclosed by Gudat, (2) the downlink beam locator of a layer 2 cell disclosed by Yuan, and (3) the address of a broadcast data stream disclosed by Dillon. Especially, in view of the above-noted differences in terms of location of the item, allocation method for the item, and function of the item (i.e., layer 3 routing vs. layer 2 switching vs. decryption of a received frame), the person skilled in the art cannot be expected, without the benefit of **Applicant's own disclosure**, to provide, a "label" that would unite the above features a), b) and c) of claim 1.

US 2002/01310 to Mai (newly cited), US 6,570,859 to Cable and Hakulinan (WO '413) do not supply the motivation lacking in Gudat, Yuan, and Dillon. The disclosures of Mai and

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Cable only extend the number and diversity of protocols and data structures taught to the person skilled in the art for implementing a routing process in a satellite network. With respect to dependent claims 27 and 28, the Examiner uses Hakulinan merely to show "a terminal station that is a user station and satellite terminal in the same equipment unit".

In summary, then, Applicant respectfully requests the Examiner to reconsider and withdraw the four (4) rejections under 35 U.S.C. § 103(a) in view of the above analyses which show that not only would there have been no motivation to combine the cited references, especially Gudat, Yuan and Dillon, but also, even if these references were combined, there would not be produced, or rendered obvious, the subject matter of each of the rejected claims 1-3, 8, 18 and 20-30, at least without the prohibited use of hindsight gained from the knowledge of Applicant's own disclosure.

Again, Applicant appreciates the very detailed rejections presented by Examiner Mattis, and Applicant has attempted to respond in kind.

REQUEST FOR INTERVIEW

As is clear from above, Applicant sincerely believes that the subject matter of each of the rejected claims would not have been obvious from the combination of three, four or five references as applied by the Examiner. However, if for any reason Examiner Mattis feels that the application is not now in condition for allowance with all of claims 1-3, 8, 18 and 20-30, Applicant respectfully requests the Examiner to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application, and in particular to discuss

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any further amendments which, in Examiner Mattis's opinion, would be required to render the claimed subject matter patentable (non-obvious) over the applied prior art.

Applicant files concurrently herewith a Petition (with fee) for an Extension of Time of One Month. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

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